

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

BRISTOL-MYERS BARCELONETA,
INC.; BRISTOL CARIBBEAN, INC.;
AND BRISTOL LABORATORIES
CORP.,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

Civil 97-2567 PBS

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U.S. DISTRICT COURT
SAN JUAN, P.R.

JOINT MOTION TO CONTINUE THE TRIAL DATE

Plaintiffs Bristol-Myers Barceloneta, Inc., Bristol Caribbean, Inc. and Bristol Laboratories Corp. (the "Taxpayers") and the United States of America, by and through their attorneys, hereby move this Court to continue the trial date in this matter until July 12, 2004. The parties request this continuance to allow additional time for the Internal Revenue Service to complete its adjustments to the Taxpayers' tax accounts so that the parties can consummate their settlement of this matter.

In support of their motion the parties state as follows:

1. On July 17, 2002, the parties advised the Court that they had reached an agreement in principle to settle this matter. The parties explained that the settlement is subject to completion of the government's approval process and requested that the Court continue the trial date until November 15, 2002, to give the government time to complete the process. On July 18, 2002, the Court granted the parties' request.

By notice dated November 13, 2002, the Court, at the request of the parties, rescheduled the trial to February 10, 2003. By notice dated February 3, 2003, the Court, at the request of the parties, rescheduled the trial to March 24, 2003. The Court subsequently granted the parties' requests for additional adjournments of the trial date. The trial is currently scheduled for June 21, 2004. The trial will be a bench trial.

2. As the parties have previously advised, the parties' settlement has been approved by the Assistant Attorney General for the Tax Division of the Department of Justice and by the Congressional Joint Committee on Taxation as required by 26 U.S.C. § 6405. After that approval was obtained, the Taxpayers entered into closing agreements with the Internal Revenue Service consistent with the terms of the settlement.

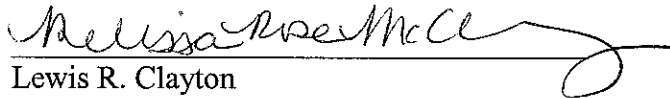
3. The parties have agreed to the final tax and interest computations reflecting the terms of the settlement. The Internal Revenue Service is making the adjustments to the tax accounts of the Taxpayers reflecting the agreed-upon tax and interest computations. This process, involving numerous adjustments to the tax accounts of three large corporate taxpayers, is complex. The parties have also agreed upon the joint stipulation of dismissal to be filed with the Court at the completion of the case. Once the settlement is consummated, the Government will immediately file the stipulation for execution by the Court. While in this motion the parties seek a continuance of the trial date to July 12, 2004, it is expected that the settlement will be consummated and the case dismissed before that date.

4. Accordingly, the parties request that the trial date be continued approximately 30 days, until July 12, 2004, to provide sufficient time to consummate the

settlement. The parties will provide the Court with a report on the status of the settlement in advance of the trial date.

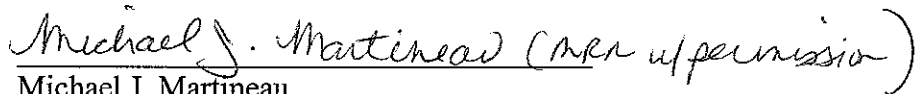
Dated: June 16, 2004

Respectfully submitted,



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